

We make it happen by putting you first.

SOCIAL SECURITY NEWSLETTER

This is a newsletter of interest to professionals who provide services to potential Social Security Disability and SSI Claimants.

SOCIAL SECURITY DISABILITY CLAIMS... WHAT'S TAKING SO LONG?

Many people seeking Social Security disability benefits are finding they have to play an EXTREMELY long waiting game once they have filed an application for benefits. The outrageous backlogs within the Social Security disability appeals process have devastating consequences on claimants. Many former prosperous, hard-working individuals are being forced to spend down their savings and retirement accounts in order to survive while waiting to be approved for benefits they rightfully deserve. Numerous claimants also face foreclosure on or eviction from their homes.

So of course the big question on everyone's mind is... WHAT'S TAKING SO LONG?

There are several pieces of the equation that lead to 2 and 3 year waiting times for a person to actually get disability benefits

- 1) A complex multi-step appeal process
- 2) The "Baby Boom" generation
- 3) Understaffed Social Security offices
- 4) Uninformed and unrepresented claimants

1) A complex multi-step appeal process

After you have filed your initial application for disability benefits, it can take anywhere from 3 to 6 months to get a decision. If your claim is denied, you must file an appeal called a Request for Reconsideration within a specified time in order to keep your claim going. Once you've filed this appeal, it can be another 3 to 6 months before you get an answer. If this appeal

is denied, you must then file another appeal called a Request for Hearing. Once you've filed this appeal, you'll more than likely have to wait anywhere from 18 to 24 months before you actually have a hearing in front of a judge. Why so long? That leads in to our next piece of the equation.

2) The "Baby Boom" generation

Members of the generation of children born between 1946 and 1964, also known as the "Baby Boom" generation, are reaching ages in which chronic and acute health problems may begin. Some individuals of this generation are now experiencing debilitating impairments which hinder their capacity to work. The number of disability applications has mirrored the trend of the spiking birth rate of the "Baby Boom" era. As a result, more new claims are being opened each year than are being resolved. This has led to huge backlogs at hearing offices.

3) Understaffed Social Security offices

The Social Security Administration simply has not kept up with the increasing amount of applications. Hearing offices are particularly understaffed with both judges and support staff. Local offices struggle with staffing issues as well. While Social Security is implementing new technologies to try to deal with these backlogs, the waiting times, at least for the moment, don't seem to be getting any shorter.

4) Uninformed and unrepresented claimants

Many Social Security claimants simply don't understand the disability claims process. Many don't realize that once their claim gets to the hearing office, they can actually request that their medical records be reviewed by a judge or staff attorney for a decision without having to go through a hearing. If the medical records alone exhibit that a claimant meets Social Security standards of disability, a hearing is not necessary. This can cut down waiting times dramatically.

By hiring an attorney who concentrates in Social Security claims on a daily basis, a claimant can have their case prepared and reviewed to see if such an "on-the-record" decision is possible. The attorney can also guide the case through the bureaucracy of the process to help avoid time lags, clerical errors and other snags along the way. While no attorney can guarantee a quick resolution, a claimant who seeks legal assistance with his or her claim will have a better chance of getting a positive outcome as quickly as circumstances will allow.

Training for Your Group or Office

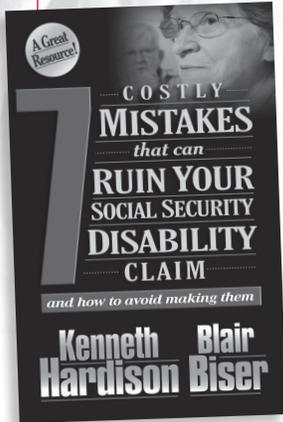
We are available to conduct workshops or short training meetings, tailored to the needs of your office staff. **There is no charge for this.** Please call our office to make arrangements for in-service training, or talks to groups and organization on any area of Social Security Disability Law.

**1-800-
LAWYER-NC**

Call or visit www.asklawyernc.com and enter your questions. You will get answers by an attorney the same day, confidentially and with no obligation.

www.lawyernc.com

Social Security Disability Book For FREE



Blair Biser and Ken Hardison have written a new book to help guide Social Security claimants through the landmine of traps they face with filing Social Security Disability claims. *7 Costly Mistakes That Can Ruin Your Social Security Disability Claim and How to Avoid Making Them* is written in plain English without the legal mumbo jumbo. This book will help you learn what you should and should not do when pursuing a Social Security Disability claim.

If you or your office would like some free copies for your staff, patients or clients, please call 1-800-600-7969 and we will get you as many copies as you need.



**Do you
know
someone
who is
disabled?**

The law defines disability as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period not less than 12 months. To meet this definition, you must have a severe impairment, which makes you unable to do your previous work or any other substantial gainful activity which exists in the national economy.